

**Remarks:**

1. Objections and Rejections.

Applicant acknowledges with appreciation that the Examiner indicates that claims 4-11 and 19-27 contain allowable subject matter and would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims. In addition, however, claims 12-18 and 28 stand rejected under 35 U.S.C. § 112, ¶2, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Nevertheless, the Examiner indicates that claims 12-18 and 28 contain allowable subject matter and would be allowable if rewritten to overcome the indefiniteness rejections and in independent form to include the limitations of their base claim and any intervening claims. Finally, claims 1-3 stand rejected *provisionally* under the judicially-created doctrine of obviousness-type, double patenting in view of co-pending patent application, U.S. Patent Application No. 10/743,440. Applicant respectfully traverses.

2. Provisional, Obviousness-Type Double Patenting Rejection.

As noted above, claims 1-3 stand rejected *provisionally* under the judicially-created doctrine of obviousness-type double patenting in view of co-pending patent application, U.S. Patent Application No. 10/743,440. Applicant is enclosing a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Pending "Reference" Patent, a Statement Under 37 C.F.R. § 3.73(b), and a check including the amount of \$130.00 covering the terminal disclaimer fee under 37 C.F.R. § 1.20(d) (Code 1814). In the event of any variance between the fees determined by Applicant and those determined by the PTO, please charge or credit such variance to the undersigned's Deposit Account No. 02-0375. In view of the enclosed Terminal Disclaimer, Applicant respectfully requests that the Examiner withdraw the provisional, obviousness-type double patenting rejection of claim 1-3 of this application.

3. Indefiniteness Rejections.

As noted above, claims 12-18 and 28 stand rejected as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claims 12, 13, 15, 16, and 18 stand rejected as allegedly

being indefinite in their description of the “second” and “third” grooves;<sup>2</sup> claim 17 as allegedly lacking antecedent basis for “said first grooves;” claim 14 as allegedly being incomplete; and claim 28 as allegedly lacking antecedent basis for the “said timing screw.” Applicant respectfully traverses.

Initially, Applicant notes that there are three sets of “container-receiving” grooves described in this application: “first” grooves on the transfer wheel, “second” grooves on the star wheel, and “third” grooves on the turret. E.g., Appl’n, Paras. [0040] (e.g., transfer wheel 104, 204 comprising “first” grooves 111, 211), [0043] (e.g., star wheel 105, 205 comprising “second” grooves 112, 212), and [0048] (e.g., turret 106, 206 comprising “third” grooves 115, 215). Applicant incorrectly identified these grooves in claims 15 and 17 and failed to identify the grooves as “third” grooves in claim 24. These errors are corrected by the amendments to claims 15, 17, and 28. In addition, Applicant is amending claim 28 to refer to “a timing screw,” instead of “said timing screw.” Further, Applicant is cancelling claim 14, without prejudice. In view of these amendments, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejections of claims 12-18 and 28.

**Conclusion:**

Applicant maintains that the above-captioned patent application, as amended, now is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application,

---

<sup>2</sup> Please note that contrary to the Examiner’s assertion, Applicant first claims the “first” grooves in claim 9. Office Action, Page 3, Lines 20-21.

in person or by telephone, with Applicants' representative, we would welcome the opportunity to do so.

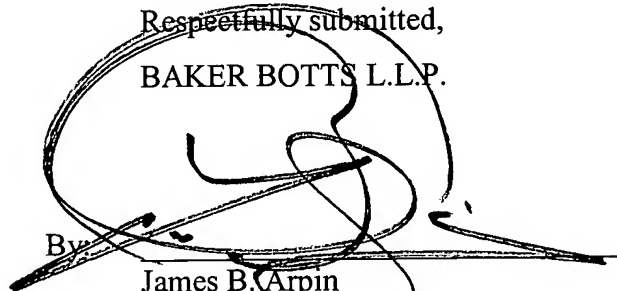
Respectfully submitted,  
BAKER BOTTS L.L.P.

Dated: August 18, 2005

Baker Botts L.L.P.  
The Warner, Suite 1300  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400  
(202) 639-7700 (telephone)  
(202) 639-7890 (facsimile)

JBA/djw

Enclosures

By   
James B. Arpin  
Registration No. 33,470